

California legislative counsel bureau.

Proposed

AMENDMENTS TO CONSTITUTION

PROPOSITIONS AND PROPOSED LAWS

Together With Arguments

To Be Submitted to the Electors
of the State of California at the

GENERAL ELECTION
TUESDAY, NOV. 2, 1948

Compiled by FRED B. WOOD, Legislative Counsel
Distributed by FRANK M. JORDAN, Secretary of State

CERTIFICATE OF SECRETARY OF STATE

State of California, Department of State
Sacramento, California

I, Frank M. Jordan, Secretary of State of the State of California, do hereby certify that the following measures will be submitted to the electors of the State of California at the general election to be held throughout the State on the second day of November, 1948.

Witness my hand and the great seal of the State, at office in
Sacramento, California, the first day of September, A.D. 1948.



Frank M. Jordan
Secretary of State

CHIROPRACTORS. Amendment of Initiative Act. Amends Chiropractic Act.

Authorizes State Board of Chiropractic Examiners to approve or disapprove schools, prescribe requirements therefor, and determine minimum requirements for chiropractic teachers. Requires license applicants to be graduates of approved schools and increases minimum chiropractic course from 18 to 36 months. Authorizes Board to employ investigators, clerical and other help, and non-member secretary. Adds power of license suspension to Board's present power of revocation; brings disciplinary proceedings under Administrative Procedure Act. Eliminates fixed \$2 annual license renewal fee and authorizes Board to prescribe renewal fee between \$2 and \$10.

YES

NO

(For full text of measure, see page 13, Part II)

Argument in Favor of Amendment of Initiative Act

The Chiropractic Law was approved by the voters as an initiative act on November 7, 1922, and has remained unchanged since that date. As an initiative act, it can be amended only by vote of the people. The present amendment adopted by the State Legislature after extensive study and investigation is therefore referred to the people for ratification.

This amendment will raise the educational requirements for applicants from the 2400-hour course of study of three school terms of six months each now required by the original act, to a 4000-hour course of four terms of nine months each, which is the standard course now generally required by schools approved in California by the State Department of Education and the Veterans Administration and approved by the National Chiropractic Association.

It will require graduation from a school approved by the State Board of Chiropractic Examiners which will permit the Board of Examiners to question credentials and transcripts from out-of-state schools of questionable standards and reputation, and will authorize the Board to determine minimum qualifications for teachers of chiropractic.

It will permit the Board of Examiners to em-

ploy and compensate a secretary, investigators and assistants which will provide competent and efficient administration of the duties vested in the Board by the Act, and will authorize the Board to increase the fee for yearly renewal of licenses from the present fee of \$2.00 to a maximum of \$10.00.

These amendments represent needed changes in the 1922 act to keep pace with the advanced standards of education and to preserve for the people the guarantee of competent administration and enforcement of an act directly affecting the public health.

There can be no justifiable opposition to this measure, which embodies the approved standards of chiropractic education of the National Chiropractic Association's Council on Education and the California Chiropractic Association's Committee on Education. Chiropractic colleges in other states have long required a four-year course of study and today enjoy the largest enrollment in history. The Los Angeles College of Chiropractic, owned and operated by the profession in California, is operating on a four-year course, and it too has the largest enrollment it has ever enjoyed. Experience seems to indicate that raising the educational standards increases the desirability of the profession. It certainly affords greater protection to the public by

a higher minimum standard of technical skill of those practicing in this branch of the arts.

A "Yes" vote is urged on this measure by the following:

California Bureau of Vocational and Professional Standards

State Board of Chiropractic Examiners

California Chiropractic Association

(25 separate districts of the California Association covering the entire State.)

Los Angeles County Chiropractic Association

Los Angeles County Coordinating Council of the California Chiropractic Association

Citizens Rights Association

Citizens Health League

National Chiropractic Association

Council on Education of the National Chiropractic Association

Committee on Accrediting of the National Chiropractic Association

Director of Education of the National Chiropractic Association

House of Delegates of the Educational and Specialties Societies of the California Chiropractic Association

Los Angeles College of Chiropractic

RANDOLPH COLLIER,

Senator, 2d Dist. and Chairman,

Public Health and Safety Committee, State Senate.

Argument Against Amendment of Initiative Act

Senate Bill 972 is not an educational bill. It is another desperate attempt by a certain pressure group of licensed chiropractors in California to unsuccessfully attempted in 1934 and 1939 to get the voters of this state to authorize the practice of medicine through legislation instead of by education. And again in 1945 this same group was defeated at Sacramento in a legislative attempt to appropriate the title "Physician".

The proposed amendment cleverly circumvents the existing appointive power of the governor by making it optional with the Board of Examiners whether its secretary shall or shall not be a member of the board and, if the secretary is a

member of the board, he could vote to fix his own salary.

This act would delegate unlimited power to the board to *approve or disapprove* schools, colleges and teachers at the inexperienced discretion of the Chiropractic board without a legislative or fixed standard to guide it.

The board will have the power to employ investigators and other employees to carry out the rules and regulations adopted by the board at its own discretion on a bureaucratic basis; a perfect set up for political corruption which, legal authorities advise, is an unconstitutional delegation of power.

This act proposes to change Chiropractic subjects to those of medicine—to wit: Analysis, the basis of Chiropractic has been completely eliminated. The study of anatomy has been reduced from 25 per cent to a possible 18 per cent of the course and the Principles and Practice of Chiropractic may be completely eliminated for office procedure and some physiotherapy. Any part of 17 per cent of four thousand hours or 680 elective study hours could be used to teach *medicine, surgery and/or obstetrics*. There is no provision to prevent the 5000 Chiropractors, now licensed, (without training in such subjects) from practicing in these fields.

Hundreds of Veterans now in Chiropractic Colleges will have spent their governmental educational aid and will not be permitted to take the State Board Examinations nor will they be permitted to practice because of this switch from Chiropractic to medical courses as provided in this proposed act and millions of Government tax dollars will be thrown away.

First Boards have operated efficiently on the collection of present renewal license fees; however this act would permit the board to increase these fees 500 per cent—WHY?

Protect the health of your families and the interests of the veterans who risked their lives to stop such ruthlessness—**VOTE NO ON S.B. 972!**

H. C. M. SHERWOOD, D. C., Secretary,
Federated Chiropractors of California
Member, United Chiropractic Council
HOMER YORK, D. C., Past President,
California Chiropractic Association

CHIROPRACTORS. Amendment of Initiative Act. Amends Chiropractic Act. Authorizes State Board of Chiropractic Examiners to approve or disapprove schools, prescribe requirements therefor, and determine minimum requirements for chiropractic teachers. Requires license applicants to be graduates of approved schools and increases minimum chiropractic course from 18 to 36 months. Authorizes board to employ investigators, clerical and other help, and nonmember secretary. Adds power of license suspension to board's present power of revocation; brings disciplinary proceedings under Administrative Procedure Act. Eliminates fixed \$2 annual license renewal fee and authorizes board to prescribe renewal fee between \$2 and \$10.

YES

NO

(This proposed law expressly amends provisions of existing law; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED LAW

Sec. 3. The board shall convene within 30 days after the appointment of its members, and shall organize by the election of a president, and a vice president and secretary, all to be chosen from the members of the board, and a secretary, who may, but need not be a member of the board. The board shall fix the salary of the secretary, with the approval of the Director of Finance. Thereafter elections of officers shall occur annually at the January meeting of the board. A majority of the board shall constitute a quorum.

It shall require the affirmative vote of three members of said board to carry any motion or resolution, to adopt any rule, or to authorize the issuance of any license provided for in this act. The secretary shall receive a salary to be fixed by the board in an amount not exceeding one

thousand dollars per annum, but not per diem, together with his actual and necessary traveling expenses incurred in connection with the performance of the duties of his office, and shall give bond to the State in such sum with such sureties as the board may deem proper. He shall keep a record of the proceedings of the board, which shall at all times during business hours be open to the public for inspection. He shall keep a true and accurate account of all funds received and of all expenditures incurred or authorized by the board, and on the first day of December of each year he shall file with the Governor a report of all receipts and disbursements and of the proceedings of the board for the preceding fiscal year.

Sec. 4. Powers of Board. The board shall have power:

(a) To adopt a seal, which shall be affixed to all licenses issued by the board.

(b) To adopt from time to time such rules and regulations as the board may deem proper and necessary for the performance of its duties. Copies of such rules and regulations to be filed with the Secretary of State for public inspection.

to examine applicants and to issue and revoke licenses to practice, as herein provided.

to examine witnesses and to take testimony as to matters in dispute; and each member shall have power to administer oaths and take affidavits.

to do any and all things necessary or incidental to the exercise of the powers and duties herein granted or imposed.

to determine minimum requirements for teachers in chiropractic schools and colleges.

to approve chiropractic schools and colleges whose graduates are eligible for licenses in this State. Any school meeting the requirements of this act and the rules and regulations adopted by the board shall be eligible for such approval.

The board may employ such investigators, clerical assistants, and other employees as it may deem necessary to carry into effect the provisions of this act, and shall prescribe the duties of such employees.

Section 6. License to Practice; Fee: Educational Requirements. It shall be unlawful for any person to practice chiropractic in this State unless he or she has obtained a license so to do. Any person wishing to practice chiropractic in this State shall make application to the board 15 days prior to any hearing thereon, upon such form and in such manner as may be provided by the board. Each application must be accompanied by a license fee of twenty-five dollars (\$25) and a certificate showing good moral character of the applicant. Except in the cases herein otherwise provided, each applicant shall be a graduate of an incorporated approved chiropractic school or college which teaches a course of not less than four hundred and forty hours, extended over a period of three years, and must give satisfactory proof of having attended not less than ninety percent of said course. The applicant shall also present to the board at the time of making such application; a diploma from a high school, or certificate satisfactory to the board, of education equivalent in training to a high school course.

The schedule of minimum educational requirements to enable any person to practice chiropractic in this State is as follows, to wit, except as otherwise provided:

General anatomy and physiology	600 hours
Chemistry	100 hours
Anatomy, chemistry and toxicology	100 hours
Physiology	200 hours
Pathology	100 hours
Hygiene and sanitation	100 hours
Pharmacology	200 hours
Diagnosis or analysis	400 hours
Chiropractic theory and practice	600 hours
Obstetrics and Gynecology	100 hours
Total	3400 hours
Section 7. Examinations.	
Examination, including embryology and histology	18 to 20%
Physiology	6 to 8%
Chemistry, inorganic and organic chemistry	6 to 8%
Anatomy and bacteriology	10 to 12%
Hygiene, health, hygiene and sanitation	3 to 4%
Obstetrics, pediatrics, dermatology, syphilology and gynecology	12 to 18%
Diagnosis and gynecology	3 to 4%
Diagnosis and practice of chiropractic, physiotherapy and office procedure	25 to 28%
Total	83 to 100%
Section 8.	17 to 0%

(a) The board shall refuse to grant, or may suspend or revoke a license to practice chiropractic in this State; or may cause a

licensee's name to be removed from all records of licensed practitioners of chiropractic in this state, upon any of the following grounds, to wit: The employment of fraud or deception in applying for a license or in passing an examination as provided in this act; the practice of chiropractic under a false or assumed name; or the personation of another practitioner of like or different name; the conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate him for the performance of his professional duties; the advertising of any means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed; or the advertising, directly, indirectly or in substance, upon any card, sign, newspaper advertisement, or other written or printed sign or advertisement, that the holder of such license or any other person, company or association by which he or she is employed, or in whose service he or she is, will treat, cure, or attempt to treat or cure, any venereal disease, or will treat or cure, or attempt to treat or cure, any person afflicted with any sexual disease, for lost manhood, sexual weakness or sexual disorder or any disease of the sexual organs; or being employed by, or being in the service of any person, company or association so advertising. Any person who is a licensee, or who is an applicant for a license to practice chiropractic, against whom any of the foregoing grounds for revoking or refusing a license is presented to the board with a view of having the board revoke or refuse to grant a license, shall be furnished with a copy of the complaint, and shall have a hearing before the board in person or by an attorney, and witnesses may be examined by the board respecting the guilt or innocence of the accused. The proceedings for the refusal to grant, suspension or revocation of a license upon any of the foregoing grounds shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code as it now reads or as it may be hereafter amended by the Legislature, and the board shall have all the powers granted therein. The secretary on all cases of revocation shall enter on his register the fact of such revocation, and shall certify the fact of such revocation under the seal of the board to the county clerk of the counties in which the certificates of the person whose certificate has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person the following: "This certificate was revoked on the _____ day of _____," giving the day, month and year of such revocation in accordance with said certification to him by said secretary. The record of such revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all proceedings of said board in the matter of said revocation.

(b) At any time after two years following the revocation or cancellation of a license or registration under this section, the board may, by a majority vote, reissue said license to the person affected, restoring him to, or conferring on him all the rights and privileges granted by his original license or certificate. Any person to whom such rights have been restored shall pay to the secretary the sum of twenty-five dollars (\$25) upon the issuance of a new license.

Sec. 12. Each person practicing chiropractic within this State shall, on or before the first day of January of each year, after a license is issued to him as herein provided, pay to said board of chiropractic examiners a renewal fee of not less than two dollars (\$2) nor more than ten dollars (\$10) as may be set by the board. The secretary shall, on or before November 1st of each year, mail to all licensed chiropractors in this State a notice that the renewal fee will be due on or before the first day of January next following. Nothing in this act shall be construed to require the receipts to be recorded in like manner as original licenses. The failure, neglect or refusal of any person holding a license or certificate to practice under this act in the State of California to pay said annual fee of two dollars during the time his or her license remains in force shall, after a period of 60 days from the first day of January of each year, ipso facto, work a forfeiture of his or her license or certificate, and it shall not be restored except upon the written application therefor and the payment to the said board of a fee of ten dollars (\$10), except that such licensee who fails, refuses or neglects to pay such annual fee within a period of 60 days after the first day of January of each year shall not be required to submit to an examination for the reissuance of such certificate.

1948

PROPOSITIONS, CONSTITUTIONAL AMENDMENTS AND INITIATIVE MEASURES—Continued

Counties

15

FISH NETS. Initiative. Amends Fish and Game Code. Prohibits use of purse nets and round haul nets for fishing in ocean and tide waters of the State south of line extending due west from Point San Simeon in San Luis Obispo County. Expresses purpose of conserving fish supply. Subject to limitations, permits use of bait nets for taking bait fish. Provides penalties for violation.

16

CHIROPRACTORS. Amendment of Initiative Act. Amends Chiropractic Act. Authorizes State Board of Chiropractic Examiners to approve or disapprove schools, prescribe requirements therefor, and determine minimum requirements for chiropractic teachers. Requires license applicants to be graduates of approved schools and increases minimum chiropractic course from 18 to 36 months. Authorizes board to employ investigators, clerical and other help, and non-member secretary. Adds power of license suspension to board's present power of revocation; brings disciplinary proceedings under Administrative Procedure Act. Eliminates fixed \$2 annual license renewal fee and authorizes board to prescribe renewal fee between \$2 and \$10.

	Yes	No	Yes	No
Alameda	94,666	174,024	181,136	76,993
Alpine	58	40	41	36
Amador	1,225	1,754	1,711	1,064
Butte	11,487	7,004	11,630	5,756
Calaveras	1,132	2,035	2,030	940
Colusa	1,114	1,799	1,879	896
Contra Costa	23,473	53,706	46,890	22,861
Del Norte	562	1,621	1,015	1,035
El Dorado	1,726	3,428	3,156	1,953
Fresno	24,301	41,074	42,006	19,917
Glenn	1,951	2,497	2,720	1,477
Humboldt	4,948	13,650	10,754	7,429
Imperial	2,392	6,221	4,397	4,077
Inyo	1,066	1,731	1,932	921
Kern	22,079	24,613	25,706	18,513
Kings	3,327	5,764	5,969	2,883
Lake	1,544	2,589	2,086	1,969
Lassen	1,493	2,774	2,350	1,719
Los Angeles	450,904	952,822	943,690	417,994
Madera	2,447	4,001	3,870	2,307
Marin	12,334	15,000	16,833	9,498
Mariposa	844	1,029	958	733
Mendocino	3,069	6,395	4,907	4,063
Merced	5,742	7,708	7,804	4,678
Modoc	664	1,613	1,337	930
Mono	325	251	353	184
Monterey	5,743	23,500	16,790	10,157
Napa	4,804	8,431	6,115	6,849
Nevada	2,505	3,779	4,013	2,135
Orange	27,817	38,490	42,005	23,824
Placer	4,927	7,377	7,921	4,095
Plumas	1,347	2,462	2,238	1,362
Riverside	15,662	31,154	28,180	18,806
Sacramento	29,939	50,594	53,773	23,392
San Benito	1,478	2,070	2,029	1,503
San Bernardino	29,532	46,790	49,974	27,325
San Diego	58,972	114,237	104,841	61,109
San Francisco	88,149	191,408	166,480	97,197
San Joaquin	21,561	28,770	32,584	14,266
San Luis Obispo	6,861	9,042	8,919	5,712
San Mateo	34,741	38,576	43,052	27,903
Santa Barbara	11,684	17,413	21,775	7,179
Santa Clara	33,137	50,283	46,160	35,273
Santa Cruz	9,546	11,979	13,782	7,398
Shasta	3,491	6,475	5,969	3,690
Sierra	240	602	496	328
Siskiyou	3,631	5,911	5,485	3,735
Solano	14,530	15,407	17,349	10,449
Sonoma	9,151	21,993	17,392	12,831
Stanislaus	19,325	12,450	20,572	8,860
Sutter	3,388	2,867	3,326	2,286
Tehama	3,069	2,306	2,987	1,867
Trinity	507	1,090	957	618
Tulare	13,738	16,889	20,483	9,379
Tuolumne	1,365	2,648	2,460	1,410
Ventura	10,261	16,281	17,625	8,037
Yolo	4,944	5,846	6,699	3,183
Yuba	2,635	2,990	3,078	2,103
Totals	1,153,353	2,125,079	2,102,769	1,055,086